

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 4:20-cv-00957-SDJ

Hon. Sean D. Jordan

**PARTIES' PROPOSED JOINT PRE-TRIAL WITNESS, EXHIBIT, AND
DEPOSITION DESIGNATION RELATED STIPULATION**

The parties respectfully submit this joint statement regarding parts of the Pre-Trial protocols, including protocols for the identification and exchange of trial exhibits, witnesses, and deposition designations to be exchanged in the Pre-Trial Order process. The parties will meet and confer on additional trial disclosure related procedures.

I. TRIAL EXHIBIT IDENTIFICATION AND PRODUCTION

A. Numbering All Trial Exhibits for Identification

<i>Party</i>	<i>Exhibit Prefix</i>	<i>Beginning Exhibit Number</i>
Plaintiffs	PLT-	PLT-001
Defendant	DEF-	DEF-1

B. Exhibit Stickers & Branding

1. Each exhibit will be branded with: (1) an exhibit sticker that identifies the unique exhibit number and case number (4:20-cv-957); and (2) an exhibit branding/endorsement that identifies the unique exhibit number and page number of each exhibit (e.g., PLT-001.001 – PLT-001.008).
2. Each party will place an exhibit sticker on the first page of each exhibit in a location that does not overlap with or obstruct any text or content of the exhibit. The exhibit stickers shall identify

the unique exhibit number. Electronically generated stickers shall be acceptable.

The branding/endorsement will be as follows and will be located in the top right corner of the document. Each party will include on each page of their exhibits an endorsement that identifies the unique exhibit number and page number of the exhibit. The exhibit endorsement shall conform to the following format: [exhibit prefix]-[exhibit number] [3-digit page number]. An example would be: PLT-001.001 – PLT-001.008.

3. This branding/endorsement will be in addition to any document that contains a bates stamp, and it will not cover the bates stamping original to the document.

C. Production Format for Exhibits

1. PDF Format: All exhibits shall be properly branded and stickered (as specified in this stipulation) and individually produced in PDF format to the extent an exhibit can reasonably be converted to PDF format and remain usable. The file name of each PDF exhibit shall correspond to the unique exhibit number.
2. Native Format: If a document cannot reasonably be converted to PDF format and remain usable (e.g., Excel file, audio, video, animation), then the exhibit shall be produced in native format. The file name of a native file shall correspond to the unique exhibit number. A slipsheet (PDF) of the native document shall also be provided that includes the Bates number, confidentiality designation and trial exhibit sticker.
3. Extracted Text for PDFs: The parties are not required to provide extracted text for exhibits produced in PDF format, but all PDFs shall be OCR'ed before delivery to the parties, so they are otherwise searchable.
4. Transcriptions for Audio and Video Recordings: The parties shall provide certified, written transcriptions for any audio and video files on their respective exhibit lists and shall label such transcripts, so they are easily traceable to the original media file.

D. Method of Production

The parties shall produce their branded exhibits via a secure FTP site.

II. TRIAL EXHIBIT LIST

A. Format of Exhibit Lists

The parties shall list their exhibits in order on a separate Excel spreadsheet consistent with the attached exhibit list template, which shall include columns with the following headings (the “Exhibit List”):

Column	Column Name	Description
A	Ex. No.	The parties’ unique exhibit numbers
B	Date	Date of exhibit based on the metadata, e.g., DateSent DateSaved metadata fields
C	Description	Short description of exhibit, e.g., the Filename or Email Subject from the metadata
D	BegBates	First production Bates number of exhibit
E	EndBates	Last production Bates number of exhibit
F	Subject to Stipulation	Whether a document is subject to a stipulation
G	Plaintiffs’ Objections	
H	Defense’s Objections	
I	Confidentiality Designation Determination/Ruling	Final determination/ruling on confidentiality for trial.
J	Joint	Whether an identical exhibit was listed on an opposing parties’ exhibit list and the exhibit number(s) of that identical exhibit
K	Offered	Whether the exhibit was offered at trial
L	Admitted/Not Admitted	Whether the Court admitted or excluded the exhibit ("A" or "NA")

B. Static Exhibit Numbers

For tracking purposes, the parties shall maintain, and not change, the unique exhibit numbers assigned to the exhibits listed on their exhibit lists.

C. Exhibit Objections at Trial

Objections and responses to objections at trial shall be succinctly stated without voluminous argument (e.g., a hearsay objection shall be denoted simply as “hearsay,” and the reply shall be denoted simply by identifying the hearsay exception (e.g., “public record”) or the non-hearsay purpose (e.g., “offered for effect on the listener”).

III. WITNESS LIST

1. The parties are in disagreement regarding the best process for exchanging witness lists.¹ In effort to come to an agreement, the parties shall exchange initial lists of all witnesses each party reasonably believes it will or may call to testify at trial in its case-in-chief, whether fact or expert, and whether live or by deposition designation, no later than **July 3, 2025**.
2. For each witness, the witness list shall include the following information: (a) whether the witness is a will call or may call; and (b) whether the witness will be presented live or by deposition designation.
3. The parties’ witness lists on this date shall reflect the witnesses whom the parties in good faith believe they may call at trial. The parties may remove witnesses from these lists prior to the July 10, 2025 exchange of the witness lists to be included in the Joint Pretrial Order.

¹Plaintiffs will exchange initial witness lists on July 3rd as agreed, however, the agreement to exchange initial lists is not an agreement to set aside the parties’ ongoing dispute regarding the timing of final trial witness lists. Plaintiffs’ proposal is to exchange final trial witness lists on Friday, July 18, 2025, with objections filed Thursday, July 24, 2025. Google disagrees and seeks to exchange final trial witness lists on Thursday, July 10, 2025, with objections filed on Thursday, July 24, 2025.

IV. DEPOSITION DESIGNATIONS

For admissibility (evidentiary) purposes only, the parties shall treat deposition testimony provided by fact and/or non expert witnesses in the DOJ/EDVA and MDL Ad Tech cases as though such testimony were provided in a deposition in this case.

A. Timeline for Disclosures of Deposition Designations

TIMELINE FOR DISCLOSURES OF DEPOSITION DESIGNATIONS		
Round 1: All affirmative designations of depositions shall be exchanged	<ul style="list-style-type: none"> • <i>Plaintiffs' and Google's</i> affirmative designations due • Deposition exhibits intended to be shown as part of these designations must be on the exhibit list. • The affirmative designations should be incorporated into the parties' Joint Pre-trial Order submission on July 11. 	Monday, July 7, 2025 at 7:00 p.m. CT
Round 2: Any objections, counters, and optional completeness to those exchanged in Round 1 shall be exchanged.	<ul style="list-style-type: none"> • The parties' objections to affirmative designations due • The parties' counter designations and optional completeness responses to affirmative designations due 	Friday, July 18, 2025 at 7:00 p.m. CT
Meet & Confer	<ul style="list-style-type: none"> • The parties' deadline to meet and confer regarding objections (to affirmative, responsive, or OC designations) prior to filing unresolved objections and counters with the Court on July 24th. 	Wednesday, July 23, 2025 at 7:00 p.m. CST
Filing Unresolved Objections w/ Court	The parties file any unresolved objections to deposition designations ²	Thursday, July 24, 2025
	The parties shall notify the Court (or, if referred to the Special Master, then the Special Master) of all issues that are resolved and file any unresolved issues.	Friday, August 1, 2025

² This agreement does not obviate the Plaintiffs' ongoing request for Special Master intervention on this issue.

B. Procedural Aspects of Deposition Designations

1. The offering party will identify exhibits sought to be admitted with each deposition designation.
2. The parties further agree that attorney objections and commentary shall not be included in any parties' designations.
3. To the extent any party makes any changes to its prior material to correct for page or line numbering errors, it shall be conspicuously noted in colored text or similar means.

C. Format For Exchanging Counters & Objections

4. The parties shall work in good faith to identify a mutually agreeable format for the exchange of page and line citations for deposition testimony in a manner that permits their respective teams to efficiently prepare the designations and/or video.
5. The parties agree to exchange page and line citations for deposition testimony in spreadsheet format (either .xlsx or .xls) with the following columns:

A	B	C	D	E	F	G	H
Witness Name	Date	Start Page	Start Line	End Page	End Line	Designation Type	Specific Objections, and/or Optional Completeness

A-Witness Last Name, First Name; B- Date of deposition [MM.DD.YYYY]; C-Page Begin; D- Line Begin; E-Page End; F-Line End; G-Designation Type [e.g. Plaintiff Affirmative, Defendant counter]; H-Specific Objections and/or Optional Completeness

6. The parties will negotiate and come to an agreement on an objection key to streamline the objection process.
7. For objections and counters, the Parties agree that each will be submitted on a separate spreadsheet. For the objection's spreadsheet, Column H will be objections. For the counter's spreadsheet, Column H will be counters.
8. Additionally, the Final Pre-Trial Order shall comply with the form prescribed by Fed. R. Civ. P. 26(a)(3)(A)(i)-(iii).

D. Final Video and/or Transcript

9. The offering party will provide final video files and final clip report(s) or, in the case of non-video, the final transcripts of deposition testimony (including all remaining affirmative, completeness, and counter-designations) to non-offering parties for their review prior to introduction at trial.
10. The Parties agree to work in good faith to identify a mutually agreeable format for the exchange of page and line citations for deposition testimony in a manner that permits their respective technical teams to efficiently cut the final videos, including how far in advance the final video files, transcripts, and exhibits must be disclosed prior to trial play.

E. The Court's Preference

The parties will seek the Court's guidance as to: (a) the format of the Thursday, July 24, 2025 submission and if the Court is seeking only unresolved objections or would like all highlighted deposition designations and associated exhibits; (b) when the Court plans to rule on the objections; and (c) what the Court would like to see relating to designations and all associated exhibits at the Pre-Trial Conference. If, by that date, the Court grants Plaintiffs' pending motion to refer deposition designation objections to the Special Master for resolution, then the Parties agree to work in good faith to establish a mutually agreeable process for each side to expedited appeal a limited number of Special Master rulings to the Court.

V. DEADLINES FOR THE FINAL PRE-TRIAL ORDER WITNESS, DESIGNATIONS, & EXHIBIT OBJECTION PROCESS

1. Deadline to Exchange Exhibit Lists:

The parties shall exchange Exhibit Lists by no later than **Thursday, July 10, 2025** for filing on **Friday, July 11, 2025**.

Deadline for Exchanging Copies of Branded Exhibits: The parties shall exchange branded and stickered copies of their exhibits by no later than **Monday, July 14, 2025**.

DATED: July 4, 2025

/s/ W. Mark Lanier

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CERTIFICATE OF SERVICE

I certify that, on July 4, 2025, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ W. Mark Lanier

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